

### **Remarks/Arguments**

Applicants have received and carefully reviewed the Office Action of the Examiner mailed January 7, 2009. Currently, claims 31-37 and 39 remain pending. Claims 31-37 and 39 have been rejected. New claims 68-74 are presented. No new matter has been introduced. Favorable consideration of the following remarks is respectfully requested.

### **Claim Rejections – 35 USC § 103**

Claims 31, 32, 35-36, and 39 were rejected under 35 U.S.C. 103(a) as being unpatentable over Greene et al. (U.S. Patent No. 6,485,501), hereinafter Greene, in view of Grayhack et al. (U.S. Patent No. 4,611,594), hereinafter Grayhack, in view of Bagaoisan et al. (U.S. Patent No. 6,152, 909). After careful review, Applicant must respectfully traverse this rejection.

“All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). (MPEP § 2143.03). As acknowledged by the Examiner, nowhere does Greene appear to disclose that the distal end of the removal adapter is configured to radially expand nor does Green teach that the retrieval adapter includes an opening oblique to the longitudinal axis. Furthermore, nowhere does Greene appear to teach or disclose “wherein the proximal end of the retrieval adapter is configured to engage and couple with a distal end of an interventional device within the vessel” as found in amended claim 31. The Examiner has cited Figs. 28-31 and especially Figs. 30 and 31 as showing “that the retrieval adapter is engaged with a distal end of an interventional device”. Applicants must respectfully disagree. Green, at col. 10, line 51 to col. 11, line 18, discusses the embodiments of Figs. 28-31 and confirms that the capture tips are portions of elongated capture sheaths (375,394,385) of Figs. 28-30 and describes the connection with the tips using the terms “included”, “contains”, and “integrated with”. Accordingly, the capture tips cannot “engage and couple with” the respective elongated members of which they

are already part and any joining which may have taken place does not occur “within the vessel”. In Fig. 31, the “separate or stand-alone capture tip” is shown to be lacking means for “engaging and coupling” with the interventional device within the vessel and the operation of Green does not appear to suggest that it does so. Instead, the distal end of the interventional device appears to serve only to advance the tip (397) over the basket (370) and appears to play no role in the subsequent retrieval of the filter which must be removed by some other means, presumably by removal of the guidewire.

Additionally, nowhere does Grayhack appear to remedy the shortcomings of Green as the structure in the cited Fig. 7 appears to show that the distal end portion (17a) is an integral part of catheter (12). Therefore, Green in view of Grayhack does not appear to teach all the claim limitations, as is required to establish a *prima facie* case of obviousness. The addition of Bagaoisan in an attempt to provide an opening oblique to the longitudinal axis does not appear to remedy the shortcomings of Green or Green in view of Grayhack. Therefore, Green in view of Grayhack and Bagaoisan does not appear to teach all the claim limitations of independent claim 31, as is required to establish a *prima facie* case of obviousness and Applicants respectfully request that the rejection be withdrawn.

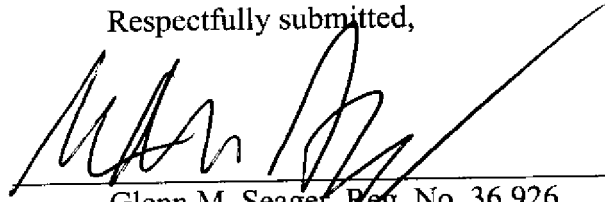
If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). (MPEP 2143.03)

With respect to dependent claims 32-37 and 39 which depend from nonobvious claim 31, Applicants respectfully assert that they are also nonobvious and request that the rejections be withdrawn.

In view of the foregoing, all pending claims are believed to be in a condition for allowance. Reexamination and reconsideration are respectfully requested. Issuance of a Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Date: April 1, 2009

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Glenn M. Seager', written over a horizontal line.

Glenn M. Seager, Reg. No. 36,926  
CROMPTON, SEAGER & TUFTE, LLC  
1221 Nicollet Avenue, Suite 800  
Minneapolis, Minnesota 55403-2420  
[Glenn.Seager@cstlaw.com](mailto:Glenn.Seager@cstlaw.com)  
Tel: (612) 677-9050  
Fax: (612) 359-9349